



VIRGINIA:

BEFORE THE BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**IN RE: EVE H. SILVERSTEIN, S. P.
 License No. : 2202-000564
 Complaint No.: 94-01490**

CONSENT ORDER

Pursuant to §§ 9-6.14:11 and 54.1-2400(8) of the Code of Virginia, an Informal Conference Committee ("Committee") of the Virginia Board of Audiology and Speech-Language Pathology ("Board"), composed of Elizabeth T. Marshall, S.P., met with Eve H. Silverstein, S.P., on November 21, 1996 in Henrico County, Virginia. Ms. Silverstein was present and was represented by John M. Huddle, Esquire. The purpose of the Informal Conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated October 15, 1996.

FINDINGS OF FACT

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. Eve H. Silverstein, S. P., holds license number 2202-000564 issued by the Virginia Board of Audiology and Speech-Language Pathology.
2. From January 1992 to May 1994, during the course of her practice as a speech language pathologist, Ms. Silverstein exceeded the scope of her practice, in that when providing Sensory Integration Training for Communication, specifically, Auditory Integration Training ("AIT") therapy, to her patients, she performed hearing tests with portable audiometers, the results of which she utilized to determine the frequency response/settings for AIT therapy. Ms. Silverstein believed that the testing in question qualified as "screening" within the scope of her practice as a speech-language pathologist.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact #2 constitutes a violation of § 54.1-2600 of the Code of Virginia (1950), as amended, and 18 VAC 30-20-210 and 30-20-280(14) (formerly § 6.2 and § 7.1(14)) of the Board of Audiology and Speech Language Pathology Regulations.

CONSENT

Eve H. Silverstein, S.P., by affixing her signature hereon, agrees to the following:

1. She has been advised specifically to seek the advice of counsel prior to signing this document;
2. She is fully aware that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq of the Code of Virginia;
3. She has the following rights, among others:
 - a. the right to a formal fact-finding hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against her.
4. She waives all rights to a formal hearing;
5. She admits the truth of the above Findings of Fact; and
6. She consents to the following Order affecting her license to practice speech-language pathology in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Eve H. Silverstein, S.P., be, and hereby is REPRIMANDED. It is further ORDERED that:

1. Ms. Silverstein's speech-language pathology practice shall be subject to one (1) unannounced inspection, within twelve (12) months from the date of entry of this Consent Order, of randomly selected AIT patient records for review by the Board to confirm that Ms. Silverstein has refrained from performing diagnostic hearing testing. Ms. Silverstein shall be solely responsible for the payment of a ONE HUNDRED FIFTY DOLLAR (\$150.00) inspection fee to be paid to the Board within thirty (30) days of each such inspection. In the event any such inspection reveals a possible violation of the laws or regulations pertaining to the practice of speech-language pathology in Virginia, the Board

specifically reserves the right to conduct further proceedings in this matter.

2. Ms. Silverstein shall be assessed a monetary penalty of FIVE HUNDRED DOLLARS DOLLARS (\$500.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the date of entry of this Consent Order. If said monetary penalty is not received within the prescribed deadline, an additional ONE HUNDRED DOLLAR (\$100.00) late fee shall be assessed weekly, up to a maximum of ONE THOUSAND DOLLARS (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Consent Order shall constitute grounds for an administrative proceeding.

Ms. Silverstein shall maintain a course of conduct commensurate with the requirements of Chapter 26, Title 54.1 of the Code of Virginia (1950), as amended and the Regulations of the Board of Audiology and Speech-Language Pathology.

Any violation of the foregoing terms and conditions of this Consent Order or any statute or regulation governing the practice of speech-language pathology in the Commonwealth of Virginia shall constitute grounds for further disciplinary proceedings.

Pursuant to § 9-6.14:14 of the Code of Virginia, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made

E. H. Silverstein, S.P.

available for public release, inspection and copying upon request.

FOR THE BOARD:

Julie Farrar-Hersh
Julie Farrar-Hersh, Audiologist
President

ENTERED: May 15, 1997

SEEN AND AGREED TO:

Eve H. Silverstein
Eve H. Silverstein, S.P.

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Roanoke

Subscribed and sworn to before me, a Notary Public in and for the city/county of Roanoke, this 14 day of April, 1997, by Eve H. Silverstein, S.P.

Donald E. Charles
Notary Public

My Commission Expires: 10/31/97